

## REMARKS

Claims 1, 3-26 and 28 are pending in this application. Claims 1, 8-18, 20-26 and 28 are rejected. Claims 2-7 have been objected to. Claim 2 has been canceled without prejudice or disclaimer of the subject matter therein. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

Applicant acknowledges with appreciation the indicated allowable subject matter in claims 2-7.

Claim 2 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 2 has been canceled and the subject matter incorporated into claim 1, from which claim 2 depended. Claim 1 now recites wherein the third communication module is *also* configured to receive the first type of communication signal. Applicant submits that the claim language is no longer indefinite. Accordingly, the rejection has been overcome and should be withdrawn.

Claims 1, 15-18 and 20-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. (U.S. Patent Application Publication 2003/0211827), hereafter Yonezawa, in view of Dunne et al. (U.S. Patent 6,745,036), hereafter Dunne, and further in view of Yarkosky (U.S. Patent 6,895,218). Applicant respectfully traverses this rejection.

Applicant has amended claim 1 to include the indicated allowable subject matter in claim 2 as discussed above. Accordingly, Applicant submits that claim 1 is allowable. Claims 3-7, which have been amended to now depend from claim 1, and claims 15-18 and 20-22, which depend from claim 1, are likewise allowable based at least on the dependency of these claims from claim 1.

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa in view of Dunne and Yarkosky and further in view of Iwata et al. (U.S. Patent Application Publication 2004/0137842 A1), hereafter Iwata. Applicant respectfully traverses this rejection.

Claim 12 depends from independent claim 1 and is allowable based at least on the dependency of these claims from claim 1. Further, even from a cursory reading of the Iwata reference, this reference fails to make up for the deficiencies of the Yonezawa, Dunne and Yarkosky references as discussed in more detail above.

Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa in view of Dunne and Yarkosky and further in view of Judd et al. (U.S. Patent Application Publication 2002/0177401), hereafter Judd. Applicant respectfully traverses this rejection.

Claims 8 and 9 depend from independent claim 1 and are allowable based at least on the dependency of these claims from claim 1. Further, even from a cursory reading of the Judd reference, this reference fails to make up for the deficiencies of the Yonezawa, Dunne and Yarkosky references as discussed in more detail above.

Claims 10, 11 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. in view of Dunne and Yarkosky and further in view of Masoian (U.S. Patent Application Publication 2001/0031623). Applicant respectfully traverses this rejection.

Claims 10, 11 and 14 depend from independent claim 1 and are allowable based at least on the dependency of these claims from claim 1. Further, even from a cursory reading of the Masoian reference, this reference fails to make up for the deficiencies of the Yonezawa, Dunne and Yarkosky references as discussed in more detail above.

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa in view of Dunne and Yarkosky and further in view of Iwata and Haemmig et al. (U.S. Patent 3,876,980), hereafter Haemmig. Applicant respectfully traverses this rejection.

Claim 13 depends from independent claim 1 and is allowable based at least on the dependency of this claim from claim 1. Further, even from a cursory reading of the Haemmig reference, this reference fails to make up for the deficiencies of the Yonezawa, Dunne, Yarkosky and Iwata references as discussed in more detail above.

Claim 23 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ami et al. (Japanese Publication No. 2004056457), hereafter Ami, in view of Yarkosky. Applicant respectfully traverses this rejection.

Claim 23 has been amended to recite an apparatus including a communication module mountable to the side of a building and configured to, among other elements “transmit the radio signal into the building, wherein the radio signal communicated within the building to a transceiver is a different type of signal than the radio signal communicated along the outside surface of the building.” Support for this amendment can be found, for example, in paragraph 0029 of the application as filed.

As indicated in Applicant’s previous response, the signal from the roof transmitter 22 of Ami is reflected into the building by a reflector 51, which then may be communicated to different apartments 20 (see, e.g., Ami, paragraphs 0021-0025). The signal communicated from outside the building and into the building are the same signals (e.g., television broadcasting signals). The signals are not changed or modified when the signals are transmitted inside the building. In particular, as set forth in the Office Action, television broadcasting signals are communicated from outside the building to apartments at different elevations inside the building (see, Office Action, page 3). In contrast, as recited in claim 23, the “radio signal communicated within the building to a transceiver is a different type of signal than the radio signal communicated along the outside surface of the building.” Accordingly, Applicant submits that claim 23, as amended, is allowable.

Claim 24 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ami in view of Yarkosky and further in view of Takatori. Applicant respectfully traverses this rejection.

Claim 24 depends from independent claim 23 and is allowable based at least on the dependency of this claim from claim 23. Further, even from a cursory reading of the Takatori reference, this reference fails to make up for the deficiencies of the Ami and Yarkosky references as discussed in more detail above.

Claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neill (U.S. Patent Application Publication 2004/0176027) in view of Carter (U.S. Patent Application Publication 2003/0146835). Claim 25 has also been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neill in view of Trent (U.S. Patent 3,665,313). Applicant respectfully traverses these rejections.

Claim 25 has been amended to recite a method including "receiving a radio signal at a communication module, wherein the communication module is mounted to the side of a building, wherein the radio signal originated from an elevation different than the communication module and the signal is encoded with a predetermined code based on the elevation from which the signal was transmitted and services priorities" and "transmitting the radio signal into the building based on the predetermined code." Support for this amendment can be found, for example, in paragraph 0034 of the application as filed.

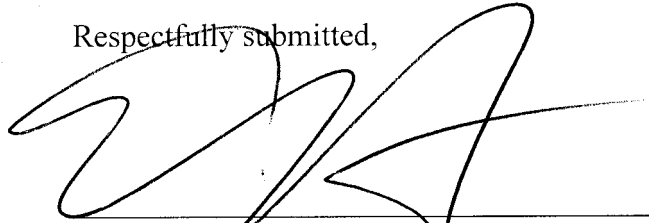
The Office Action asserts that Carter discloses using an ID signal to determine a current location (see, Office Action, page 3) and uses this information for tracking purposes. The Office Action also asserts that Trent discloses encoding an indication of elevation into a signal (see, Office Action, page 15). In contrast, claim 25 now recites that "the signal is encoded with a predetermined code based on the elevation from which the signal was transmitted and services priorities" and "transmitting the radio signal into the building based on the predetermined code." Nothing in O'Neill, Carter or Trent describe encoding a signal with information related to services priorities. Moreover, the transmission of signals using the systems of O'Neill, Carter or Trent is not based on elevation and services priorities information. The ID and elevation signal information is used for tracking or location purposes and not, for example, for signal flow control purposes. Accordingly, Applicant submits that claim 25, as amended, is allowable.

Claims 26 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neill and Carter in view of Yarkosky and Takatori. Applicant respectfully traverses this rejection.

Claims 26 and 28 depend from independent claim 25 and are allowable based at least on the dependency of these claims from claim 25. Further, even from a cursory reading of the Yarkosky and Takatori references, these references fail to make up for the deficiencies of the O'Neill and Carter references as discussed in more detail above.

In view of the foregoing remarks, it is respectfully submitted that the prior art neither anticipates nor renders obvious the claimed invention and the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Evan Reno Sotiriou', is written over a horizontal line.

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